

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Region 21

ROHR, INC. OPERATING AS
GOODRICH AEROSTRUCTURES

Employer

and

Case 21-UC-074150

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725, LOCAL
LODGE 964

Petitioner

DECISION AND ORDER

Upon a petition filed under Section 9(b) of the National Labor Relations Act, as amended, a careful investigation and consideration took place.

Pursuant to the provisions of Section 3(b) of the Act, the Board had delegated its authority in this proceeding to the undersigned Regional Director.

Upon the entire record in this investigation, the Regional Director finds:

- (1) The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.
- (2) The Petitioner wishes to clarify the bargaining unit as follows:

All production, inspection, maintenance employees and man-tech¹ unit employees performing assembly lay-up and production work at Rohr, Inc., operating as Goodrich Aerostructures located at 8200 Arlington Avenue, Riverside, CA 92503.

- (3) Clarification of the bargaining unit is unwarranted inasmuch as the man-tech classification that has been historically excluded from the unit, and there have not been recent, substantial changes that would call into question the placement of the employees in the unit. *Bethlehem Steel Corp.*, 329 NLRB

¹ The term "man-tech" according to the Employer refers to "Manufacturing Technology."

243, 244 (1999). Unit clarification proceedings are appropriate for resolving ambiguities that come with a newly established classification or when an existing classification has undergone recent, substantial changes in the duties and responsibilities for the employees. *Union Electric Co.*, 217 NLRB 666, 667 (1975).

There is no doubt that the man-tech position is not a new position. The Union maintains the man-tech classification has been existence since 1972, and the Employer asserts that it has employed employees in the classification for over 30 years.

The Union argues that the man-tech position was in the Research and Development department. These non-unit employees would manufacture parts used solely in the Research and Development department. At various time in the past, from 2005 up to and including March 2012, the Union argues that unit employees trained man-tech employees on how to use certain machines used by the unit employees: the PT machine, the 6-axis mill, the Gerber table, the “process line,” the degreaser, the AP machine, and painting machines. These machines were used sporadically by either man-tech employees employed by the Employer or by temporary staffing employees.

While it is unclear how many employees are in the man-tech classification, there is no doubt but that a significant number are supplied by Adecco, a temporary staffing agency. The Employer asserts the number of man-tech employees is “approximately 51” employees, while the Union asserts the number is 42. While each party disagrees on the exact number of temporary employees, each agree that the number is substantial.

The Union asserts that the man-tech employees have been producing limited amounts of parts and, thus, were not producing production parts or engaged in production work. However, it asserts that beginning on March 6, 2012, the man-tech employees supplied by the temporary staffing agency began painting certain parts of the GTF in a production area. Furthermore, from 2005 to 2011, the man-tech employees produced more than 50 “ship sets” for the 787 airplane.

Thus, the evidence does not establish that there have been recent substantial changes in the classification.

The clarification of the bargaining unit is further unwarranted because of the undisputed fact that a number of the man-tech employees are temporary employees. While the Union presented evidence to support that the Employer has implemented recent changes to the temporary employees supplied by Adecco, Adecco is not a signatory to the current collective-bargaining agreement between the Employer and the Union. In *Oakwood Care Center*, 343 NLRB 659 (2004), the Board determined that bargaining units that combine employees solely employed by a user employer and

employees jointly employed by the user employer and a supplier employer constitute multiemployer units, which may be appropriate only with the consent of all employers. Here, the evidence disclosed that Adecco is not a party to the current collective-bargaining agreement between the Employer and the Union, therefore, granting the clarification would bind Adecco to a collective-bargaining agreement to which it has not authorized consent. Relying on *Oakwood Care Center, supra*, Adecco's authorization is required for the accretion of the man-tech employees it supplies to the Employer.

As to the fraction of employees that are solely employed by the Employer, as previously noted, the employees have been historically excluded from the unit, and there have not been recent, substantial changes that would call into question the placement of the employees in the unit. Based on the undisputed facts concerning the man-tech employees and their duties, the clarification of the bargaining unit is unwarranted.

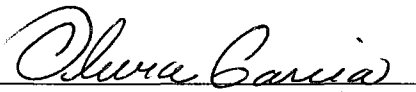
ORDER

The petition filed in this matter is dismissed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by **April 23, 2012**. The request may be filed electronically through E-Gov on the Agency's website, www.nlr.gov,² but may not be filed by facsimile.

DATED at Los Angeles, California this 9th day of April, 2012.


Olivia Garcia, Regional Director
Region 21
National Labor Relations Board

² To file the request for review electronically, go to www.nlr.gov and select the **E-Gov** tab. Then click on the **E-Filing** link on the menu, and follow the detailed instructions. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under "E-Gov" on the Agency's website, www.nlr.gov.